



TOWN OF ACTON
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Engineering Department

February 15, 2005

Don P. Johnson, Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Re: Report of Technical Review Committee on Proposals Received for:
Acton Business Center
Transfer Station Lease with Mandatory Leasehold Improvements
Curbside Collection of Solid Waste and Recyclables

Dear Don:

The Technical Review Committee has completed its review of the proposals received under the above Requests for Proposals. The Committee members are:

John Murray, Assistant Town Manager
Bruce Stamski, Town Engineer/Director of Public Works
Steve Anderson, Town Counsel
Bruce Haskell, Consultant from Camp Dresser & McKee Inc.

Please note that Bruce Haskell was not present and did not participate in the analysis of the proposal submitted by Mass Environmental Associates, Inc. due to a potential conflict of interests.

Acton Business Center Proposal

By: Dickinson Development Corp. and Home Depot U.S.A. Inc.

The proposal presented a well thought out development plan for the site. The Developer has a proven track record with projects of this magnitude and scope. This team has recently permitted and constructed a similar municipal landfill re-development project in the Town of Reading, Ma. In checking references the Committee learned that the Town Manager of Reading had a positive experience working with this developer. The DEP, Northeast Regional Solid Waste Coordinator reported being very pleased with the developer and its design team. DEP was always kept in the loop during the design and construction.

The proposed development will consist of an 118,000 sf Home Depot with a 25,000 sf Garden Center along with a 65,000 sf supermarket. The Town can continue to operate the Transfer Station/Recycling Center if it so chooses. All traffic will enter/exit the site from Route 2. A new "flyover" will be constructed to facilitate traffic flow. The development team acknowledges that environmental safeguards and buffers are important and will be built into the final design. There is a long way to go to develop final plans for the site; however this first step is consistent with the objectives of and responsive to the RFP.

The Committee found the proposal to be **advantageous** and recommends further consideration by the Town.

Transfer Station Lease with Mandatory Leasehold Improvements

Proposal by: Solid Waste Solutions, LLC

Northfield, MA

The Committee has rated this proposal as **unacceptable** for the following reasons.

The Proposer takes exception to the form of contract specified in the Request for Proposals. The Proposer proposes a contract for services rather than a lease of real estate as required by the RFP. This is unacceptable to the Town for a variety of reasons. Without limitation, liability for the Proposer's work would shift toward the town. In addition to this non-starter, the Committee had the following reservations.

The Committee rated the Experience and Qualifications of the Proposer to be unacceptable. The Proposer presented no evidence of having experience as a lead contractor in the design, and management of a project of similar complexity. The Proposer did not provide a list of state regulatory officials to contact concerning facilities under their operation. The municipal references provided spoke highly of their day to day operations ability but had no knowledge of their ability to design and implement a complex closure plan. In addition, their technical consultant, Green Seal Environmental, provided no evidence that it has ever been the lead consultant on a closure project of this magnitude.

The plans submitted detail a closure of the landfill using over three times the amount of shaping materials anticipated in the RFP. The plans extend over the boundaries specified for the project and seriously compromise the buffers in the Forest Road area.

For the above reasons the Committee found the proposal **unacceptable** and can not recommend going forward with this proposal.

Proposal by: Mass Environmental Associates Inc.

Newton, MA

The committee has rated this proposal as **unacceptable** for the following reasons.

This Proposer also takes exception to the form of contract in the RFP. The Proposer proposes a license agreement instead of the lease agreement as required in the RFP. This is unacceptable to the Town for a variety of reasons. Without limitation, this would again shift liability for the Proposer's work toward the Town. In addition to this non-starter the Committee had the following concerns.

The Proposer did not furnish a list of state regulatory officials whom the Town can contact as required by the RFP. The Proposer did not provide a discussion of the enforcement history of the solid waste management facilities under its management. From news articles in the Boston Globe, Mass Environmental has had an enforcement order issued on its project in Wilmington. In contacting the Northeast Regional Office of the DEP, the Solid Waste Engineer informed us that this issue is being dealt with by higher ups and had no comment. Failure of the Proposer to discuss this situation in its proposal is a serious oversight at best.

For these reasons the Committee found the proposal to be **unacceptable** and can not recommend going forward with this proposal.

Curbside Collection of Solid Wastes and Recyclables

**Proposal by: Waste Management of Massachusetts, Inc.
Hampton, MA.**

The proposal by Waste Management meets the standards set forth in the RFP. Waste Management is qualified to perform the services. A check of its references in nearby communities determined that it is fulfilling its contracts with minimal problems.

The Proposer takes exception to the liquidated damages section in the proposed contract and requests further negotiations. The Committee has some concerns about the equipment and staffing levels proposed. These concerns can be addressed in the negotiations of the contract.

The Committee found the proposal by Waste Management to be **acceptable** and deserving of continued consideration by the town.

**Proposal by: Schofield Inc.
Brookline, Ma.**

The Committee determined the proposal to be **unacceptable** for the following reasons:

The RFP required three references from contracts similar in size and scope to Acton. The Proposer provided only one reference for a recyclable collection contract.

The Proposer did not provide information showing it is capable of obtaining a performance bond. A list of equipment as required by the RFP was not provided.

Due to the above the Committee determined the Proposer has not demonstrated that it has the necessary experience, equipment and financial ability to successfully fulfill the contract.

The Committee also found the Proposer's option approach to pricing confusing. There were two priced options and one non-priced option presented. The only option that meets the requirements of the RFP (option 2) is over 39% more than its competitor's bid. Had the Committee found the Proposer to be qualified, its bid price would have eliminated them from consideration.

The Committee **does not recommend** further consideration of this proposal.

Submitted for the Committee by:

Bruce M. Stamski, P.E.
Town Engineer/Director of Public Works